

SECOND REGULAR SESSION

# SENATE BILL NO. 674

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILSON.

Pre-filed December 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3113S.01I

## AN ACT

To amend chapter 160, RSMo, by adding thereto two new sections relating to bullying in schools.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 160, RSMo, is amended by adding thereto two new sections, to be known as sections 160.770 and 160.772, to read as follows:

**160.770. 1. For purposes of sections 160.770 and 160.772, bullying means any written, oral, or physical act, or gesture, that is reasonably perceived as being motivated by an actual or perceived characteristic such as race, color, religion, national origin, ancestry, sex, sexual orientation, age, disability, familial status, or socioeconomic status, regardless of whether the presumption or assumption as to such characteristic is correct.**

**2. No student shall be bullied or discriminated against by school employees, volunteers, or students while on school property, at any school function, or on a school bus; nor shall any student be bullied on the basis of the student's association with any individual.**

**3. No person shall engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of bullying or discrimination.**

**4. A school employee or volunteer who has witnessed or has reliable information that a student has been subjected to bullying or discrimination shall report the incident to the appropriate school official.**

**160.772. 1. Before August 1, 2007, each school district in the state shall adopt a policy prohibiting bullying and discrimination on school property, at school-sponsored functions, and on school buses. The**

4 school district shall involve parents and guardians, school employees,  
5 volunteers, students, administrators, and community representatives  
6 in the process of adopting such policy. A local school district shall  
7 have control over the content of the policy, provided the policy  
8 contains, at a minimum, the following components:

9 (1) A statement prohibiting bullying and discrimination;

10 (2) A definition of bullying no less inclusive than the definition  
11 in subsection 1 of section 160.770;

12 (3) A description of the range of consequences and appropriate  
13 remedial action for a person who commits an act of bullying or for a  
14 school employee or volunteer who fails to report an act of bullying or  
15 discrimination;

16 (4) A procedure for reporting an act of bullying or  
17 discrimination, including a provision that permits a person to  
18 anonymously report an act of bullying or discrimination, provided that  
19 such anonymous report shall not provide the sole basis for proceeding  
20 with formal disciplinary action;

21 (5) A procedure for prompt investigation of reports of violations  
22 and complaints;

23 (6) A statement that prohibits reprisal or retaliation against any  
24 person who reports an act of bullying or discrimination, and a  
25 description of the range of consequences and appropriate remedial  
26 action for a person who engages in reprisal or retaliation and for a  
27 person found to have falsely accused another; and

28 (7) A statement of how the policy is to be publicized, including  
29 notice that the policy applies to participation in school-sponsored  
30 functions.

31 2. To assist local school districts in developing policies under  
32 this section for the prevention of bullying and discrimination, the  
33 department of elementary and secondary education shall develop a  
34 range of age-appropriate model policies. These model policies shall be  
35 issued no later than April 1, 2007.

36 3. A local school district's policy created under this section shall  
37 appear in the next scheduled published version of any school district  
38 publication that sets forth the comprehensive rules, procedures, and  
39 standards of conduct for schools within the district, and in the next  
40 scheduled published version of any student and school employee

41 **handbook.**

42 **4. Information regarding a local school district's policy against**  
43 **bullying shall be incorporated into a school's employee and volunteer**  
44 **training program.**

45 **5. This section and section 160.770 shall not be interpreted to**  
46 **prevent a victim from seeking redress under any other available law,**  
47 **either civil or criminal.**

48 **(1) Persons who have filed a complaint with a school under**  
49 **section 160.770 or this section shall be advised by the school that civil**  
50 **law remedies, including, but not limited to injunctions, restraining**  
51 **orders, or other remedies or orders may also be available to such**  
52 **persons. The school shall make this information available by**  
53 **publication in appropriate informational materials.**

54 **(2) Nothing in this section shall be construed to require an**  
55 **exhaustion of the administrative complaint process before civil law**  
56 **remedies may be pursued.**

57 **(3) A school employee or volunteer who promptly reports an**  
58 **incident of bullying or discrimination to the appropriate school official**  
59 **designated by the local school district's policy, and who makes this**  
60 **report in compliance with the procedure in the district's policy, is**  
61 **immune from a cause of action for damages arising from any failure to**  
62 **remedy the reported incident.**

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